

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA)

v.)

CASE NO. 4:17-cr-00208-6

Charmaine Nichole Sims,
Defendant.)

O R D E R

Defendant Sims moves the Court to modify her sentence pursuant to 18 U.S.C. § 3582 (Docs. 643 and 645).

Specifically, Defendant requests that the Court order her to be placed on home confinement with the Bureau of Prisons on or before October 7, 2019, several months prior to the date that the Bureau of Prisons has determined her to be eligible for such.

The Court may modify a term of imprisonment once it has been imposed in only the narrowest of circumstances, and none of those circumstances are present in Defendant's case. See 18 U.S.C. §§ 3582(b), (c)(1)(B) & (c)(2); Fed. R. Crim. P. 35; *United States v. Phillips*, 597 F.3d 1190, 1194-95 (11th Cir. 2010) ("The authority of a district court to modify an imprisonment sentence is narrowly limited by statute."). As such, this Court is without jurisdiction to modify Sims' sentence.

Additionally, the authority to decide when an inmate is eligible for home confinement rests with the Bureau of Prisons. While Defendant cites to both the Second Chance Act and the First Step Act, neither Act altered the Bureau of Prisons' discretion in such matters, as set forth in the Government's


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response. Further, Defendant has made no showing that she has exhausted her administrative remedies with the Bureau of Prisons in seeking the relief she requests.

Based on the foregoing, Defendant's motion is **DENIED**.

SO ORDERED this 4th day of October 2019.



WILLIAM T. MOORE, JR.
JUDGE, U.S. DISTRICT COURT